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CPSC Issues Final Rule to Protect Children from Hazardous High Powered Magnets Consumer Advocates and Doctors Applaud CPSC's Effort to Address Hidden Hazards

WASHINGTON D.C. – Consumer advocates, pediatricians and pediatric gastroenterologists applaud the Consumer Product Safety Commission's (CPSC) promulgation of a final rule to address the hazards posed by high powered magnets.

High powered magnets are bb-shaped smooth balls or cubes that connect to one another with a strong magnetic bond. The magnets are individual balls or cubes that are sold in packages of many individual balls. These products were sold as toys to children over 13 years of age, but after a recall in 2010, these products were labeled for use for teens and adults age 14 and older. In November of 2011, CPSC issued a safety warning to consumers about this product but the injuries continue to occur. CPSC negotiated voluntary corrective action plans with all but three of the magnet set importers to stop the sale, import and distribution of magnet sets. CPSC initiated administrative action against the two importers who did not agree to stop selling these magnets and a third who resumed selling magnet sets. Two of these companies reached a settlement with CPSC, which included product recalls now underway. One of these administrative proceedings has not been resolved. CPSC began a rulemaking proceeding to develop the mandatory standard for high powered magnet sets in September 4, 2012.

The rule will protect children by significantly changing the types of magnets that are available in magnet sets for purchase by consumers. The rule addresses both the size and the strength of the magnets. Magnet sets

containing magnets that fit in the small parts test fixture¹ and could be swallowed or inhaled must have a flux index of 50 kG² mm² or less.

These products are of great interest to children of all ages: younger children mistakenly believe they are candy while older children use these products as faux facial piercings. The consequences of inhaling or swallowing more than one of these powerful magnets are severe. Children who swallow two or more magnets are at risk of developing serious injuries such as small holes in the stomach and intestines, intestinal blockage, blood poisoning, and even death. Removing magnets surgically often requires the repair of the child's damaged stomach and intestines. This product poses a hidden hazard because parents are often not aware that their child has swallowed such magnets and because the early symptoms of magnet ingestion often mimic other common illnesses, making a magnet ingestion difficult to diagnose.

"We applaud the CPSC for issuing this important mandatory rule. High powered magnets have caused serious injuries and a fatality to children. These incidents should not happen and can be prevented if the magnets can't be swallowed and the magnets are not as strong," stated Rachel Weintraub, legislative director and senior counsel with Consumer Federation of America. "This rule will impact the type of magnet sets that can be sold in the future while CPSC's past enforcement actions will get these products out of people's homes and away from children who could be harmed by ingesting two or more of these magnets."

According to CPSC, 2,900 possible magnet set ingestions occurred in the United States from January 1, 2009 through December 31, 2013, that required emergency department treatment. CPSC is aware of one fatality that occurred in 2013.

"High powered magnets are easily ingested by young children, because they look like candy. Once ingested, they can pinch two pieces of intestine together, resulting in holes in the intestine and a need for emergency surgery," said Athos Bousvaros, MD, president of the North American Society for Pediatric Gastroenterology, Hepatology and Nutrition. "Over the last few years, pediatric gastroenterologists and surgeons have performed endoscopy and surgery on hundreds of children with magnet ingestions. Some children have lost a portion of their intestines, and there is at least one known death. We applaud the CPSC's actions, which are removing an incredibly dangerous product from the market."

"Magnets pose a special hazard to children," stated Nancy Cowles, Executive Director of Kids In Danger. "Not only is it difficult to know if a child has swallowed magnets, most caregivers have no awareness of the extent of the possible damage and might not know to immediately seek medical attention. That's why this step by CPSC today is so important."

Ellen Bloom, Senior Director of Federal Policy and the Washington Office of Consumers Union, the advocacy arm of Consumer Reports, said, "We applaud the CPSC's action today. The commission did the right thing. These are practical standards that will remove an unsafe product from the market. These small, powerful magnets can pose real threats to children, and this vote is a victory for kids' safety."

"As pediatricians, our number one goal is to keep children safe," said AAP President James M. Perrin, MD, FAAP. "The powerful, tiny magnets contained in these toys and other similar products have caused unnecessary surgeries, debilitating injuries, irreversible gastrointestinal damage and other lifelong health impacts in infants, children and adolescents. Pediatricians have been ringing an alarm bell about these products since we first recognized the damage they cause, and the CPSC listened. The AAP commends the CPSC's new rulemaking, which will help further protect children from these harmful magnetic products."

¹ The small parts test fixture is the device used to measure toys and components to identify those that would fit in a small child's mouth and could be swallowed or cause choking.

“These are not your grandmother’s harmless refrigerator magnets,” added Ed Mierzwinski, U.S. PIRG Consumer Program Director. “U.S. PIRG applauds the CPSC for its relentless pressure to get these dangerous magnets off the market.”

Consumer advocates, pediatricians and pediatric gastroenterologists urge children to receive immediate medical attention if magnets have been swallowed and urge consumers to report incidents of ingestions to www.saferproducts.gov.

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The Consumer Federation of America is a nonprofit association of nearly 300 consumer groups that, since 1968, has sought to advance the consumer interest through research, advocacy, and education. www.consumerfed.org

Kids In Danger (KID) is a nonprofit organization dedicated to protecting children by improving children’s product safety. KID was founded in 1998 by the parents of sixteen-month-old Danny Keysar who died in his Chicago childcare home when a portable crib collapsed around his neck. www.KidsInDanger.org

Incorporated in 1972, the North American Society for Pediatric Gastroenterology, Hepatology and Nutrition (NASPGHAN), with more than 1700 members, is the leading society in the field of pediatric digestive diseases. www.naspghan.org

Consumers Union is the public policy and advocacy division of Consumer Reports. Consumers Union works for a fair, just, and safe marketplace for all consumers, and to empower consumers to protect themselves, in the areas of telecommunications reform, health reform, food and product safety, financial reform, and other consumer issues. Consumer Reports is the world’s largest independent product-testing organization. Using its more than 50 labs, auto test center, and survey research center, the nonprofit rates thousands of products and services annually. Founded in 1936, Consumer Reports has over 8 million subscribers to its magazine, website, and other publications. www.consumersunion.org

The American Academy of Pediatrics is an organization of 62,000 primary care pediatricians, pediatric medical subspecialists and pediatric surgical specialists dedicated to the health, safety and well-being of infants, children, adolescents and young adults. For more information, visit www.aap.org and follow us on Twitter @AmerAcadPeds.

U.S. PIRG serves as the federation of state Public Interest Research Groups. PIRGs are non-partisan, non-partisan public interest advocacy organizations that take on powerful interests on behalf of their members. For 29 years, PIRG has released “Trouble In Toyland” reports describing choking, chemical, magnet and other hazards to children. On the web at www.uspirg.org.